

Enclosure A  
Released Documents for EPA-R5-2014-003116  
Western Scrap Corp

1. Preamble - 11 pgs
2. Letter dated 09/12/1986 to Phillip Rasussen from Valdas V. Adamkus re: Western Scrap Company with attached amendment to Administrative Order – 31 pgs

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:  
WESTERN SCRAP COMPANY  
GARY, INDIANA

Constance Coulopoulos  
John Coule  
✓ Coating and Chemical Corp.  
✓ Baron-Blakeslee, Inc., *Allied Signal*  
✓ Du Pont Corp.  
✓ Dow Chemical Corp.  
✓ Stuarts Industrial Coatings, Inc.  
✓ Prime Leather Finishing Company  
American Lacquer Solvent Company  
✓ General Electric Corp.  
✓ GPI, Inc.  
Franklin Maintenance Corp.  
U.S. Polychemical Corp.  
✓ Conservation Chemical Company  
of Illinois  
✓ Norman B. Hjersted

DOCKET NO. **V-W- '86 -C- 012**  
ADMINISTRATIVE ORDER  
PURSUANT TO SECTION 106  
OF THE COMPREHENSIVE  
ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY  
ACT OF 1980

STAFF ATTORNEY \_\_\_\_\_  
ACTION CHIEF \_\_\_\_\_  
DEPUTY CHIEF \_\_\_\_\_  
\_\_\_\_\_ *CS 9/9/86* \_\_\_\_\_  
OTHER \_\_\_\_\_

PREAMBLE

The following Administrative Order is issued on this date to Constance Coulopoulos, owner of the Western Scrap site, John Coule, operator of the Western Scrap site, and Coating and Chemical Corporation, Baron-Blakeslee Incorporated, Du Pont Corporation, Dow Chemical Corporation, Stuarts Industrial Coatings Inc., Prime Leather Finishing Company, American Lacquer Solvent Company, General Electric Corporation, GPI Inc., Franklin Maintenance Corporation, U.S. Polychemical Corporation, Conservation Chemical Company of Illinois and Norman B. Hjersted, who, on information and belief, are generators of wastes at the Western Scrap site, pursuant to the authority vested in the President of the United States, by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), and delegated to the U.S. Environmental Protection Agency (U.S. EPA) by Executive Order No. 12316, August 26, 1981, 46 Federal Register 42237, and redelegated to the Regional Administrator by Delegation 14-14 issued April 1, 1983. Notice of Issuance of this Order has been given to the State of Indiana.

This Administrative Order requires the Respondents, and each of them, to undertake emergency removal activities at the Western Scrap Site located in Gary, Indiana, to abate an imminent and substantial endangerment arising from the potential exposure to hazardous substances by humans and animals, the threat of release of hazardous substances to the environment, the threat of fire and explosion and the potential migration of hazardous substances from soil on or near the land surface.

#### DETERMINATION AND FINDINGS

1. The Western Scrap site ("Facility") is an approximately twenty acre parcel located at 6500 Industrial Highway, Gary, Indiana. The site is a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).
2. Hazardous substances as defined in Section 101(14) CERCLA, 42 U.S.C. §9601(14), have been deposited, stored, placed or otherwise located at the Facility.
3. In August, 1985, a duly authorized representative of U.S. EPA conducted a site investigation. During this investigation, approximately 300 full, fifty-five gallon steel drums, numerous smaller pails and cans roughly equivalent to another 100 drums of material and seven partially full tanker trailers were observed at the Facility.
4. More than one half of the drums on site appear to be empty and could have leaked their contents onto the surface soils. The majority of the remaining drums and other containers were badly corroded and could easily leak their contents onto the surface soils. The contents of the containers, according to their labels and other visual evidence, included inks, paints, paint sludges, solvents and plating waste.
5. Drum and pail samples taken during the above investigation detected the presence of low flash point, flammable materials, cyanide, polychlorinated biphenyls (PCBs), volatile organic and semi-volatile organic compounds. Two of the fifteen drum samples analyzed exhibited the presence of cyanide. Seven of the fifteen drum samples analyzed had flash points below the RCRA 140°F ignitability criteria and in addition, one solid tank sample and one solid drum sample burned readily when exposed to an open flame. A surface soil sample taken near a drum exhibited low concentrations of toluene, 1,1, trichloroethane and trichloroethylene. Relatively higher concentrations of chromium (5.2 to 83.4 ppm), copper (3.1 to 49.7 ppm), lead (21 to 221 ppm), nickel (6.8 to 63.9 ppm), and zinc (8.22 to 291 ppm) were detected in samples from containers and spillage on the ground surface.
6. Constance Coulopoulos and John Coule are "owners or operators", as defined in Section 101(20) of CERCLA, 42 U.S.C. §9601(20), of the Facility.
7. Each Respondent is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21).
8. U.S. EPA has determined that each Respondent may be, pursuant to Section 107 of CERCLA, 42 U.S.C. §9607, liable for all costs incurred by the Government for the immediate removal action required by this Order should the Respondents fail to properly perform the immediate removal action.

9. U.S. EPA has determined that the past, present and/or potential migration of hazardous substances at or from the Facility constitutes an actual and/or threatened "release" into the environment as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. §9601(22)

10. The above release presents or may present an imminent and substantial endangerment to public health or welfare or the environment pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a).

11. The Western Scrap site meets the criteria for Removals set forth in 40 CFR Part 300.65(b)(2).

The criteria met are:

- Part 300.65(b)(2)(i) Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations, animals, or food chains;
- (iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks or other bulk storage containers, that may pose a threat of release;
- (iv) High levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface, that may migrate; and
- (vi) Threat of fire or explosion.

- 12. Due to the unrestricted access to the site, nearby human and animal populations may be exposed to the contaminants. Exposure to people may cause toxic effects in different organ systems or an increased cancer risk. Animals exposed to the contaminants face similar potential for harm, as well as bioaccumulation of contaminants (i.e. PCBs) in their tissues and, consequently, in the food chain.
- 13. As the remaining drums and the partially filled tankers continue to rust and deteriorate, additional contaminants will continue to be released to the environment and potentially migrate through the soil to the groundwater or be dispersed through wind blown dust.
- 14. The volatile organic contaminants observed at the site are highly mobile and can cause groundwater contamination. Semi-volatile organics and heavy metals are relatively less mobile but will persist in the environment indefinitely and can be toxic at low concentrations.
- 15. Possibly the most immediate threat to public health, welfare or the environment is the potential for fire and explosion. A fire or explosion would not only pose a physical threat from the heat or flying debris, but might also create toxic gases that could be carried by the prevailing winds over populated areas.

ORDER

Based upon the foregoing Determination and Findings, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606, it is hereby Ordered that the following actions be undertaken at the Facility:

1. Within five (5) calendar days after the effective date of this Administrative Order, Respondents shall submit a Work Plan for the actions ordered to U.S. EPA for approval. The Work Plan shall provide a concise description of the activities to be taken to comply with the requirements of this Administrative Order set forth in paragraphs 2 through 7 below. The Work Plan shall also contain a site health and safety plan, a sampling and analysis plan and a schedule for the work to be performed.

2. Respondents shall stage and sample all drums and pails. The staging shall occur in a centralized area and all drums and pails shall be opened prior to initiation of the sampling program. Any leaking drums shall be immediately overpacked at this time. The staging area shall be lined with Visqueen and bordered with six to eight inch berms to prevent any migration should a drum or pail rupture after staging.

A sample of each drum and pail shall be obtained for compatibility testing. These tests shall be conducted by a qualified laboratory and consist of cyanide and sulfide screening, pH, flash point, water reactivity, and PCB analysis.

This activity shall be completed within fourteen (14) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

3. Upon completion of compatibility tests and staging of the drums and pails, all compatible liquids from the drums and pails shall then be bulked in order to facilitate transportation (hereinafter referred to as "bulked liquids").

All noncompatible drum material (hereinafter referred to as "noncompatible liquids") shall be secured, if needed, by overpacking in 35-gallon overpack drums for off-site disposal. If any drums are found to contain PCB-contaminated material, they shall be set aside during the bulking and solidification stage. Any sludges encountered will be solidified on site using hydrated lime and subsequently sent off site for disposal at a U.S. EPA approved facility. Resulting empty drums, pails, and inert solids shall then be crushed utilizing a front-end loader and backhoe and disposed of with the solidified solids. All visibly contaminated soil shall be excavated and bulked with the crushed drums and solidified material. The areas and depth of soil removal shall be approved by U.S. EPA. (Solidified sludge, crushed drums and pails, inert solids and removed soil shall hereinafter be referred to as "solidified material").

This activity shall be completed within twenty-eight (28) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

4. Respondents shall analyze, transport and dispose of all bulked liquids, noncompatible liquids and solidified material. All disposal shall be at a facility approved by U.S. EPA.

Samples of the solidified material, bulked material and the bulked liquids shall be collected and then analyzed for disposal parameters. A representative sample shall be collected from each of the waste streams for a complete analytical scan for disposal requirements. The parameters to be analyzed include the hazardous substance list as used by U.S. EPA's Contract Laboratory Program and EP Toxicity (metals only) for solidified material; percent ash, percent chlorine, heating value (BTU/lb), percent solids, percent water, and PCRs for bulked liquids; and the hazardous substance list, metals, cyanides and sulfides for noncompatible material.

During transporting, all materials leaving the site shall be properly shipped in trucks authorized to carry hazardous waste. These trucks shall contain Visqueen-lined beds, secure gates, and also be appropriately placarded. In addition, the waste shall also be properly manifested and transported to U.S. EPA approved hazardous waste facilities.

5. Respondents shall remove and incinerate all material from the tankers.

The contents of two of the abandoned tankers contain flammable materials. Priors to removal of any material from the tankers, the interior of each tanker shall be checked for explosive atmospheres. If the atmospheres are

above 20% of the lower explosive limit (LEL), the tankers shall be allowed to vent; if venting does not lower the LEL, an inert gas shall be injected into each tanker to reduce the explosive atmosphere.

If material in the tankers is too viscous to pump, a steam boiler with lines running into each tanker may be employed to soften the material to facilitate pumping. The liquids in each tanker shall then be removed with the aid of a vacuum truck. The sludge shall be removed through an opening to be cut in the bottom of each tanker. The tankers shall then be decontaminated. All materials used in the decontamination shall be properly contained, stored and disposed.

This activity shall be completed within forty-two (42) calendar days of U.S. EPA's approval or modification of the Workplan required in paragraph 1.

6. Respondents shall submit a report summarizing the actions taken to comply with this Administrative Order. The report shall contain, among other things, identification of the site, a chronology and description of the actions performed, identification of problems encountered and how the problems were resolved, a listing of quantities and types of materials removed and their ultimate destination, a presentation of the analytical results of all sampling and analysis performed, and recommendations for any needed additional actions. This report shall be submitted within sixty-three (63) days of U.S. EPA's approval or modification of the Work Plan required in Paragraph 1.

7. All materials removed from the site shall be disposed of or treated in accordance with Sections 3002, 3003 and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. §6922, 6923 and 6924, the Toxic Substances Control Act, 15 U.S.C. §2601 et seq., and all other applicable Federal, State and local requirements.

8. The Work Plan required by paragraph 1 of this section shall be reviewed and approved by U.S. EPA and may be modified in part or in whole by the U.S. EPA. Respondents shall implement the Work Plan as approved or modified. Implementation of the Work Plan shall commence within five days of Respondents' receipt of U.S. EPA's approval or modifications. U.S. EPA's modifications shall not be inconsistent with the purposes of this Order, or with the National Contingency Plan, 40 CFR Part 300.

9. All instructions by authorized U.S. EPA representatives consistent with the terms of this Administrative Order, and with the National Contingency Plan, 40 CFR Part 300, shall be binding upon the Respondents.

10. Respondents shall provide access to the Facility to U.S. EPA employees, contractors, agents, and consultants as well as to representatives of the Indiana Department of Environment Management (IDEM) at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, take samples, and to conduct other activities which U.S. EPA determines to be necessary.

11. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Administrative Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. §9601, et seq., or any other applicable law.

12. The provisions of this Administrative Order shall be binding on employees, agents, successors, and assigns of the parties.

13. This Administrative Order shall be effective on the tenth (10th) calendar day following issuance unless a conference is requested, in which case this Administrative Order shall be effective on the fourth (4th) calendar day following the day of the conference unless modified by the Regional Administrator.

14. On or before the effective date of this Administrative Order, Respondents shall provide notice in writing to U.S. EPA stating their intention to comply with the terms hereof. In the event any Respondent fails to provide such notice said Respondents shall be deemed not to have complied with the terms of this Administrative Order.

15. All notices and reports submitted under terms of this Administrative Order shall be sent by certified mail, return receipt requested, and addressed to the following:

Marc M. Radell  
Assistant Regional Counsel  
U.S. EPA, Region V 5CS-16  
230 S. Dearborn Street  
Chicago, Illinois 60604

#### ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on weekdays between the hours of 8:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, 16th Floor, United States Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604. An index of the Administrative Record is attached hereto as Attachment 1. Please contact Mr. Radell, Assistant Regional Counsel, at (312) 886-7948 for review of the Administrative Record.

#### OPPORTUNITY TO CONFER

With respect to the actions required above, you may within seven (7) calendar days after issuance of this Administrative Order request a conference with U.S. EPA to discuss this Administrative Order and its applicability to you.

Any such conference shall be held within three (3) calendar days from the date of request. At any conference held pursuant to your request, you may appear in person and by an attorney or other representative. If you desire such a conference, please contact Marc M. Radell, Assistant Regional Counsel, at (312) 886-7948.

Any comments which you may have regarding this Administrative Order, its applicability to you, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which you are ordered to take, or any other relevant and material issue must be reduced to writing and submitted to U.S. EPA within three (3) calendar days following the conference, or if no conference is requested, within ten (10) calendar days following the issuance of this Administrative Order. Any such writing should be directed to Marc M. Radell, at the address cited above.

You are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. 9670(a), for the costs of those government actions.

#### PENALTIES FOR NONCOMPLIANCE

Respondents are advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606, that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondent to a civil penalty of not more than \$5,000 per day for each in which such violation occurs, or such failure to comply continues. Failure to comply with this Administrative Order, or any portion thereof, without sufficient cause may also subject Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of Respondent's failure to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. 9607(c)(3).

#### COOPERATION AMONG RESPONDENTS

In order to facilitate communication and cooperation among Respondents, a list of the Respondents and their address and telephone number (if known) are included in the Order as Attachment 2.

Witness my hand in the City  
of Chicago, State of Illinois,  
on this \_\_\_\_\_ day of  
\_\_\_\_\_, 1986.

by:

\_\_\_\_\_  
Valdas V. Adamkus  
Regional Administrator  
United States Environmental  
Protection Agency  
Region V

ATTACHMENT 1

ADMINISTRATIVE RECORD

Western Scrap Drum Site, Gary Indiana  
Administrative Order Pursuant to CERCLA § 106

<u>Item</u>	<u>Description</u>
1.	Emergency Action Plan, May, 1986
2.	Removal Request Action Memorandum, May, 1986
3.	Site Inspection Report, April, 1986
4.	Clayton Sample Analyses Results, October, 1985
5.	Conversation Record with John Coule, May 30, 1986

ATTACHMENT 2

List of Potentially Responsible Parties

1. Constance Coulopoulos  
6 Beacon Street  
Boston, Massachusetts 02108
2. Western Scrap Corp  
6901 West Chicago Avenue  
Gary, Indiana 46406  
John Coule
3. Coating and Chemical Corp.  
3068 North Elston Avenue  
Chicago, Illinois 60618  
Alvin J. Salzman, President  
(312) 588-7721
4. Baron - Blakeslee, Inc.  
2001 North Janice  
Melrose Park, Illinois 60160  
Richard A. Kullerstrand, President  
(312) 450-3900
5. DuPont Corp.  
1007 Market Street  
Wilmington, Delaware 19898  
Edward G. Jefferson, Chairman  
of the Board  
(302) 774-1000
6. Dow Chemical Co.  
2030 Willard H. Dow Center  
Midland, Michigan 48640  
Robert W. Lundeen, Chairman of the Board  
Wayne M. Hancock, General Counsel  
(517) 636-1000
7. Stuarts Industrial Coatings, Inc. *(RICHARD BERNARDZ  
17577 S. KEDZIE #203  
HAZELCREST, ILL 60429  
799-0750*  
11740 Front Street  
Chicago, Illinois 60628  
(312) 785-0096  
*Laura Schneider*
8. Prime Leather Finishing Co.  
205 South 2nd Street.  
Milwaukee, Wisconsin 53204  
Robert F. Welch, President  
(414) 276-1668
9. American Lacquer Solvent Co.  
P.O. Box 803  
Valley Forge, Pennsylvania 19482  
(215) 933-5848
10. General Electric Co.  
3135 Easton Turnpike  
Fairfield, Connecticut 06430  
John F. Welch, Jr., Chairman  
of the Board  
(203) 373-2211
11. GPI, Inc.  
1421 East  
St. Charles, Illinois 60174
12. Franklin Maintenance Corp.
13. U.S. Polychemical Corp.  
584 South Main Street  
Spring Valley, New York 10977  
(914) 356-5530
14. Norman B. Hjersted, President  
Conservation Chemical Company  
of Illinois  
5201 Johnson Drive, Suite 400  
Mission, Kansas 66205
15. Conservation Chemical Company  
of Illinois  
6500 Industrial Hwy., Box 6066  
Gary, Indiana 46406





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

12 SEP 1986

Phillip Rasmussen  
GPI Industries, Inc.  
1840 Production Drive  
P. O. Box 956  
St. Charles, Illinois 60174

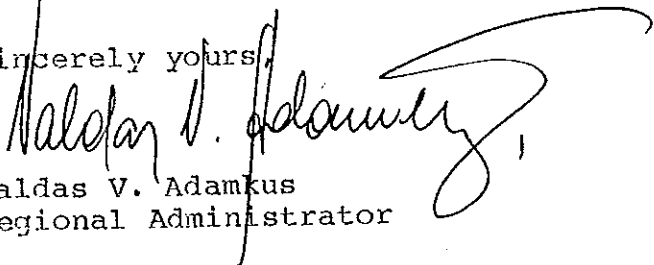
Re: Western Scrap Company  
Docket No. V-W-86-C-012

Dear Mr. Rasmussen:

Enclosed please find an amendment to the above-referenced Administrative Order which removes your company from the list of Respondents therein.

If you have any questions or comments concerning this matter, please contact Marc M. Radell, Assistant Regional Counsel at (312)886-7948.

Sincerely yours,

  
Valdas V. Adamkus  
Regional Administrator

6 2 3

JUN 30 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: Western Scrap Company  
Gary, Indiana

Dear Sir or Madam,

Enclosed please find an Amendment to Administrative Order Pursuant to Section 106 of the Comprehensive Environmental Response, Liability and Compensation Act of 1980 which amends Administrative Order Docket No. V-W-86-C-012, issued on June 17, 1986, to exclude certain parties from the list of respondents. If you have any questions or comments concerning this matter, please contact Marc M. Padell, Assistant Regional Counsel, at 312/886-7940.

Sincerely yours,

1/8/ original signed by  
Valdas V. Adamkus  
Valdas V. Adamkus  
Regional Administrator

cc: Regional Hearing Clerk

Enclosure

STAFF ATTORNEY

SE. ASST. ATTY.

SEC. ASST.

RE. ASST. ATTY.

RE. ASST. ATTY.

OTHER

OTHER

2/6/30

59223  
Vanderlaan  
6/30/86

WCH 6/30/86

6/30/86

JUN 30 1986

## MEMORANDUM

SUBJECT: Western Scrap Company  
Docket No. V-W-86-C-012

FROM: Robert B. Schaefer and Basil G. Constantelos  
Regional Counsel Director,  
Waste Management Division

TO: Valdas V. Adamkus  
Regional Administrator

We have reviewed the attached Amendment to Administrative Order Pursuant to Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and recommend it for issuance by means of the attached letter which we have prepared for your signature.

On June 17, 1986 the Administrative Order referenced above was issued against 15 respondents. The Order requires the respondents to conduct emergency response measures at the Western Scrap site in Gary, Indiana. The respondents named in the Order include the current owners, parties allegedly responsible for arranging for the disposal of the wastes at the site, and parties identified from labels on the waste drums.

Several parties responded to the Order by requesting an opportunity to confer. At the conference, or by telephone, these parties maintained that the drums in question could not contain wastes from their operations, but rather that other parties recycled product-containing drums for waste use. These respondents have submitted sworn affidavits or other appropriate documents which support their claims. For this reason, we recommend that the Order be amended to withdraw only these parties as respondents: Coating and Chemical Corporation, Baron-Blakeslee, Inc., Du Pont Corp., Dow Chemical Company, Stuarts Industrial Coatings, Inc., Prime Leather Finishing Company, and General Electric Corporation.

5 ERAB  
Vanderlaan  
6/30/98

2/3/80

9/6/30  
Walter  
6/20

[illegible]

JUN 16 1986

Unilateral Administrative Order under Section 106(a) of CERCLA  
Site, Cary, Indiana

Basil C. Constantelos  
Director, Waste Management Division

Robert Schaefer  
Regional Counsel

Valdas V. Adamkus  
Regional Administrator

Attached please find a Unilateral Administrative Order for your signature to be issued under the Comprehensive Environment Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 (a). This order requires the Respondents to remove drums and tankers from the site for either incineration or disposal, as appropriate. The removal action will alleviate the potential threat to human health, welfare and the environment. If the Respondents fail to comply with the Order, then an emergency action will be performed by the Waste Management Division.

cc: William Stees  
Marc Radell  
David Favero  
Jacqueline Strecker

SWP-11  
CCS-16 ✓  
SHE-12  
IDEP

Attachment

SHE-12:CERCLA:DAFAVERO:2145/27/86

17 JUN 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: Western Scrap Company, Gary, Indiana

Dear Sir or Madam:

Enclosed is an Order that the United States Environmental Protection Agency (U.S. EPA) is issuing to you or your firm pursuant to Section 106 (a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) 42 U.S.C. 9606 (a). The U.S. EPA has indentified hazardous substances at the site that may present an imminent and substantial endangerment the public health, welfare or environment. The Order requires that the Respondents undertake actions to remove the hazardous substances. You are directed to the enclosed Order for specific actions required and the time frame within which such actions must be taken.

If you have any comments or questions about this matter, please contact Marc Radell, Assistant Regional Counsel, at (312) 886-7948 or David Favero, Remedial Project Manager at (312) 886-4749.

Sincerely yours,

/s/ original signed by  
Alan Levin

Valdas V. Adamkus  
Regional Administrator

bcc: William Simes	5HR-11
Marc Radell	5CS-16 ✓
David Favero	5HE-12
Jacqueline Strecker	IDEM

Enclosure

5HE-12:CERCLA:DFAVERO:k1:5/27/86

Western Scrap Company  
Docket No. V-U-86-C-012

Robert B. Schafer and Basil G. Constantelos  
Regional Counsel Director, Waste Management Division

Valdas V. Adamkus  
Regional Administrator

We have reviewed the attached Amended Administrative Order Pursuant to Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and recommend it for issuance by means of the attached letter which we have prepared for your signature.

On June 17, 1986, the Administrative Order referenced above was issued against 15 respondents. The order requires the respondents to conduct emergency response measures at the Western Scrap Company site in Gary, Indiana. Based upon affidavits submitted by seven of the named respondents, U.S. EPA amended the Order on June 30, 1986 to withdraw them as parties.

Since that time, U.S. EPA has learned that one of the remaining respondents, GPI Inc., was incorrectly identified from a drum label and that the Order was mistakenly served upon that entity. The proper respondent should be GPI Industries. For this reason, we recommend that the Order be amended to substitute the correct entity, GPI Industries, for the incorrect one and that the Amended Order be issued to GPI Industries forthwith.

bcc: William Simes - 5HR-11  
Marc Radell - 5CS-16  
David Favero - 5HE-212  
Jacqueline Strecker - IDEM

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:  
WESTERN SCRAP COMPANY  
GARY, INDIANA

Constance Coulopoulos  
John Coule  
American Lacquer Solvent Company  
GPI Industries  
Franklin Maintenance Corp.  
U.S. Polychemical Corp.  
Conservation Chemical Company  
of Illinois  
Norman B. Hjersted

DOCKET NO. V-W-86-C-012

AMENDED  
ADMINISTRATIVE ORDER  
PURSUANT TO SECTION 106  
OF THE COMPREHENSIVE  
ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY  
ACT OF 1980

STAFF ATTORNEY

SECTION CHIEF

REGIONAL CHIEF

DEPUTY REG. COUNSEL

REGIONAL COUNSEL

OTHER

OTHER

PREAMBLE

The following Administrative Order is issued on this date to Constance Coulopoulos, owner of the Western Scrap site, John Coule, operator of the Western Scrap site, and American Lacquer Solvent Company, General Electric Corporation, GPI Industries, Franklin Maintenance Corporation, U.S. Polychemical Corporation, Conservation Chemical Company of Illinois, and Norman B. Hjersted, who, on information and belief, are generators of wastes at the Western Scrap site, pursuant to the authority vested in the President of the United States, by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), and delegated to the U.S. Environmental Protection Agency (U.S. EPA) by Executive Order No. 12316, August 26, 1981, 46 Federal Register 42237, and redelegated to the Regional Administrator by Delegation 14-14 issued April 1, 1983. Notice of Issuance of this Order has been given to the State of Indiana.

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DETERMINATION AND FINDINGS

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1. The Western Scrap site ("Facility") is an approximately twenty acre parcel located at 6500 Industrial Highway, Gary, Indiana. The site is a "Facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

2. Hazardous substances as defined in Section 101(14) CERCLA, 42 U.S.C. §9601(14), have been deposited, stored, placed or otherwise located at the Facility.

3. In August, 1985, a duly authorized representative of U.S. EPA conducted a site investigation. During this investigation, approximately 300 full, fifty-five gallon steel drums, numerous smaller pails and cans roughly equivalent to another 100 drums of material, and seven partially full tanker trailers were observed at the Facility. 17

4. More than one-half of the drums on site appear to be empty and could have leaked their contents onto the surface soils. The majority of the remaining drums and other containers were badly corroded and could easily leak their contents onto the surface soils. The contents of the containers, according to their labels and other visual evidence, included inks, paints, paint sludges, solvents and plating waste.

5. Drum and pail samples taken during the above investigation detected the presence of low flash point, flammable materials, cyanide, polychlorinated biphenyls (PCBs), volatile organic and semi-volatile organic compounds. Two of the fifteen drum samples analyzed exhibited the presence of cyanide. Seven of the fifteen drum samples analyzed had flash points below the RCRA 140°F ignitability criteria, and in addition, one solid tank sample and one solid drum sample burned readily when exposed to an open flame. A surface soil sample taken near a drum exhibited low concentrations of toluene, 1,1, trichloroethane and trichloroethylene. Relatively higher concentrations of chromium (5.2 to 83.4 ppm), copper (3.1 to 49.7 ppm), lead (21 to 221 ppm), nickel (6.8 to 63.9 ppm), and zinc (8.22 to 291 ppm) were detected in samples from containers and spillage on the ground surface.

6. Constance Coulopoulos and John Coule are "owners or operators", as defined in Section 101(20) of CERCLA, 42 U.S.C. §9601(20), of the Facility.

7. Upon information and belief, the remaining Respondents are liable parties pursuant to Section 107(a)(3) of CERCLA, 42 USC § 9607(a)(3).

8. Each Respondent is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21).

9. U.S. EPA has determined that each Respondent may be, pursuant to Section 107 of CERCLA, 42 U.S.C. §9607, liable for all costs incurred by the Government for the immediate removal action required by this Order should the Respondents fail to properly perform the immediate removal action.

10. U.S. EPA has determined that the past, present and/or potential migration of hazardous substances at or from the Facility constitutes an actual and/or threatened "release" into the environment as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. §9601(22) SP

11. The above release presents or may present an imminent and substantial endangerment to public health or welfare or the environment pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a). ✓

12. The Western Scrap site meets the criteria for Removals set forth in 40 CFR Part 300.65(b)(2).

The criteria met are:

Part 300.65(b)(2)(i) Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations, animals, or food chains;

(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks or other bulk storage containers, that may pose a threat of release;

(iv) High levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface, that may migrate; and

(vi) Threat of fire or explosion.

13. Due to the unrestricted access to the site, nearby human and animal populations may be exposed to the contaminants. Exposure to people may cause toxic effects in different organ systems or an increased cancer risk. Animals exposed to the contaminants face similar potential for harm, as well as bioaccumulation of contaminants (i.e. PCBs) in their tissues and, consequently, in the food chain. ✓

14. As the remaining drums and the partially filled tankers continue to rust and deteriorate, additional contaminants will continue to be released to the environment and potentially migrate through the soil to the groundwater or be dispersed through wind blown dust. ✓

15. The volatile organic contaminants observed at the site are highly mobile and can cause groundwater contamination. Semi-volatile organics and heavy metals are relatively less mobile but will persist in the environment indefinitely and can be toxic at low concentrations. ✓

16. Possibly the most immediate threat to public health, welfare or the environment is the potential for fire and explosion. A fire or explosion would not only pose a physical threat from the heat or flying debris, but might also create toxic gases that could be carried by the prevailing winds over populated areas.

ORDER

Nased Upon the foregoing Determination and Findings, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606, it is hereby Ordered that the following actions be undertaken at the Facility: SP 1

1. Within five (5) calendar days after the effective date of this Administrative Order, Respondents shall submit a Work Plan for the actions ordered to U.S. EPA for approval. The Work Plan shall provide a concise description of the activities to be taken to comply with the requirements of this Administrative Order set forth in paragraphs 2 through 7 below. The Work Plan shall also contain a site health and safety plan, a sampling and analysis plan and a schedule for the work to be performed. ✓

2. Respondents shall stage and sample all drums and pails. The staging shall occur in a centralized area and all drums and pails shall be opened prior to initiation of the sampling program. Any leaking drums shall be immediately overpacked at this time. ✓ The staging area shall be lined with Visqueen and bordered with six to eight-inch berms to prevent any migration should a drum or pail rupture after staging.

A sample of each drum and pail shall be obtained for compatibility testing. These tests shall be conducted by a qualified laboratory and consist of cyanide and sulfide screening, pH, flash point, water reactivity, and PCB analysis.

This activity shall be completed within fourteen (14) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

3. Upon completion of compatibility tests and staging of the drums and pails, all compatible liquids from the drums and pails shall then be bulked in order to facilitate transportation (hereinafter referred to as "bulk liquids").

All noncompatible drum material (hereinafter referred to as "noncompatible liquids") shall be secured, if needed, by overpacking in 85-gallon overpack drums for off-site disposal. If any drums are found to contain PCB-contaminated material, they shall be set aside during the bulking and solidification stage. Any sludges encountered will be solidified on site using hydrated lime and subsequently sent off site for disposal at a U.S. EPA approved facility. Resulting empty drums, pails, and inert solids shall then be crushed utilizing a front-end loader and backhoe and disposed of with the solidified solids. All visibly contaminated soil shall be excavated and bulked with the crushed drums and solidified material. The areas and depth of soil removal shall be approved by U.S. EPA. (Solidified sludge, crushed drums and pails, inert solids and removed soil shall hereinafter be referred to as "solidified material").

This activity shall be completed within twenty-eight (28) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

4. Respondents shall analyze, transport and dispose of all bulked liquids, noncompatible liquids and solidified material. All disposal shall be at a facility approved by U.S. EPA.

Samples of the solidified material, bulked material and the bulked liquids shall be collected and then analyzed for disposal parameters. A representative sample shall be collected from each of the waste streams for a complete analytical scan for disposal requirements. The parameters to be analyzed include the hazardous substance list as used by U.S. EPA's Contract Laboratory Program and EP Toxicity (metals only) for solidified material; percent ash, percent chlorine, heating value (BTU/lb), percent solids, percent water, and PCBs for bulked liquids; and the hazardous substance list, metals, cyanides and sulfides for noncompatible material.

During transporting, all materials leaving the site shall be properly shipped in trucks authorized to carry hazardous waste. These trucks shall contain Visqueen-lined beds, secure gates, and also be appropriately placarded. In addition, the waste shall also be properly manifested and transported to U.S. EPA approved hazardous waste facilities.

5. Respondents shall remove and incinerate all material from the tankers.

The contents of two of the abandoned tankers contain flammable materials. Prior to removal of any material from the tankers, the interior of each tanker shall be checked for explosive atmospheres. If the atmospheres are

above 20% of the lower explosive limit (LEL), the tankers shall be allowed to vent; if venting does not lower the LEL, an inert gas shall be injected into each tanker to reduce the explosive atmosphere.

If material in the tankers is too viscous to pump, a steam boiler with lines running into each tanker may be employed to soften the material to facilitate pumping. The liquids in each tanker shall then be removed with the aid of a vacuum truck. The sludge shall be removed through an opening to be cut in the bottom of each tanker. The tankers shall then be decontaminated. All materials used in the decontamination shall be properly contained, stored and disposed.

This activity shall be completed within forty-two (42) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

6. Respondents shall submit a report summarizing the actions taken to comply with this Administrative Order. The report shall contain, among other things, identification of the site, a chronology and description of the actions performed, identification of problems encountered and how the problems were resolved, a listing of quantities and types of materials removed and their ultimate destination, a presentation of the analytical results of all sampling and analysis performed, and recommendations for any needed additional actions. This report shall be submitted within sixty-three (63) days of U.S. EPA's approval or modification of the Work Plan required in Paragraph 1.

7. All materials removed from the site shall be disposed of or treated in accordance with Sections 3002, 3003 and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. §6922, 6923 and 6924, the Toxic Substances Control Act, 15 U.S.C. §2601 et seq., and all other applicable Federal, State and local requirements.

8. The Work Plan required by paragraph 1 of this section shall be reviewed and approved by U.S. EPA and may be modified in part or in whole by the U.S. EPA. Respondents shall implement the Work Plan as approved or modified. Implementation of the Work Plan shall commence within five days of Respondents' receipt of U.S. EPA's approval or modifications. U.S. EPA's modifications shall not be inconsistent with the purposes of this Order, or with the National Contingency Plan, 40 CFR Part 300.

9. All instructions by authorized U.S. EPA representatives, consistent with the terms of this Administrative Order and with the National Contingency Plan, 40 CFR Part 300, shall be binding upon the Respondents.

10. Respondents shall provide access to the Facility to U.S. EPA employees, contractors, agents, and consultants, as well as to representatives of the Indiana Department of Environmental Management (IDEM) at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, take samples, and to conduct other activities which U.S. EPA determines to be necessary.

11. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Administrative Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. §9601, et seq., or any other applicable law.

12. The provisions of this Administrative Order shall be binding on employees, agents, successors, and assigns of the parties.

13. This Administrative Order shall be effective on the tenth (10th) calendar day following issuance unless a conference is requested, in which case this Administrative Order shall be effective on the fourth (4th) calendar day following the day of the conference unless modified by the Regional Administrator.

14. On or before the effective date of this Administrative Order, Respondents shall provide notice in writing to U.S. EPA stating their intention to comply with the terms hereof. In the event any Respondent fails to provide such notice, said Respondents shall be deemed not to have complied with the terms of this Administrative Order. ✓

15. All notices and reports submitted under terms of this Administrative Order shall be sent by certified mail, return receipt requested, and addressed to the following:

Marc M. Radell  
Assistant Regional Counsel  
U.S. EPA, Region V 5CS-16  
230 S. Dearborn Street  
Chicago, Illinois 60604

#### ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on weekdays between the hours of 8:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, 16th Floor, United States Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604. An index of the Administrative Record is attached hereto as Attachment 1. Please contact Mr. Radell, Assistant Regional Counsel, at (312) 886-7948 for review of the Administrative Record. ✓

#### OPPORTUNITY TO CONFER

With respect to the actions required above, you may within seven (7) calendar days after issuance of this Administrative Order request a conference with U.S. EPA to discuss this Administrative Order and its applicability to you.

Any such conference shall be held within three (3) calendar days from the date of request. At any conference held pursuant to your request, you may appear in person and by an attorney or other representative. If you desire such a conference, please contact Marc M. Radell, Assistant Regional Counsel, at (312) 886-7948.

Any comments which you may have regarding this Administrative Order, its applicability to you, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which you are ordered to take, or any other relevant and material issue must be reduced to writing and submitted to U.S. EPA within three (3) calendar days following the conference, or if no conference is requested, within ten (10) calendar days following the issuance of this Administrative Order. Any such writing should be directed to Marc M. Radell, at the address cited above.

You are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for the costs of those government actions. ✓

#### PENALTIES FOR NONCOMPLIANCE

Respondents are advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9006, that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondent to a civil penalty of not more than \$5,000 per day for each in which such violation occurs, or such failure to comply continues. Failure to comply with this Administrative Order, or any portion thereof, without sufficient cause may also subject Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of Respondent's failure to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. 9607(c)(3). ✓ *? not clear!*

#### COOPERATION AMONG RESPONDENTS

In order to facilitate communication and cooperation among Respondents, a list of the Respondents and their address and telephone numbers (if known) are included in the Order as Attachment 2. ✓

ATTACHMENT 1

ADMINISTRATIVE RECORD

Western Scrap Drum Site, Gary, Indiana  
Administrative Order Pursuant to CERCLA § 106

<u>Item</u>	<u>Description</u>
1.	Emergency Action Plan, May, 1986
2.	Removal Request Action Memorandum, May, 1986
3.	Site Inspection Report, April, 1986
4.	Clayton Sample Analyses Results, October, 1985
5.	Conversation Record with John Coule, May 30, 1986

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:  
WESTERN SCRAP COMPANY  
GARY, INDIANA

Constance Coulopoulos  
John Coule  
American Lacquer Solvent Company  
GPI Industries  
Franklin Maintenance Corp.  
U.S. Polychemical Corp.  
Conservation Chemical Company  
of Illinois  
Norman B. Hjersted

DOCKET NO. V-W-86-C-012

AMENDED  
ADMINISTRATIVE ORDER  
PURSUANT TO SECTION 106  
OF THE COMPREHENSIVE  
ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND LIABILITY  
ACT OF 1980

## PREAMBLE

The following Administrative Order is issued on this date to Constance Coulopoulos, owner of the Western Scrap site; John Coule, operator of the Western Scrap site; and American Lacquer Solvent Company; General Electric Corporation; GPI Industries; Franklin Maintenance Corporation; U.S. Polychemical Corporation; Conservation Chemical Company of Illinois; and Norman B. Hjersted, who, on information and belief, are generators of wastes at the Western Scrap site, pursuant to the authority vested in the President of the United States, by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), and delegated to the U.S. Environmental Protection Agency (U.S. EPA) by Executive Order No. 12316, August 26, 1981, 46 Federal Register 42237, and redelegated to the Regional Administrator by Delegation 14-14 issued April 1, 1983. Notice of Issuance of this Order has been given to the State of Indiana.

This Administrative Order requires the Respondents, and each of them, to undertake emergency removal activities at the Western Scrap Site located in Gary, Indiana, to abate an imminent and substantial endangerment arising from the potential exposure to hazardous substances by humans and animals, the threat of release of hazardous substances to the environment, the threat of fire and explosion and the potential migration of hazardous substances from soil on or near the land surface.

DETERMINATION AND FINDINGS

1. The Western Scrap site ("Facility") is an approximately 20-acre parcel located at 6500 Industrial Highway, Gary, Indiana. The site is a "Facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).
2. Hazardous substances as defined in Section 101(14) CERCLA, 42 U.S.C. §9601(14), have been deposited, stored, placed or otherwise located at the Facility.
3. In August 1985, a duly authorized representative of U.S. EPA conducted a site investigation. During this investigation, approximately 300 full, 55-gallon steel drums, numerous smaller pails and cans roughly equivalent to another 100 drums of material, and 7 partially full tanker trailers were observed at the Facility.
4. More than one-half of the drums on site appear to be empty and could have leaked their contents onto the surface soils. The majority of the remaining drums and other containers were badly corroded and could easily leak their contents onto the surface soils. The contents of the containers, according to their labels and other visual evidence, included inks, paints, paint sludges, solvents and plating waste.
5. Drum and pail samples taken during the above investigation detected the presence of low flash point, flammable materials, cyanide, polychlorinated biphenyls (PCBs), volatile organic and semi-volatile organic compounds. Two of the 15 drum samples analyzed exhibited the presence of cyanide. Seven of the 15 drum samples analyzed had flash points below the RCRA 140°F ignitability criteria; and, in addition, one solid tank sample and one solid drum sample burned readily when exposed to an open flame. A surface soil sample taken near a drum exhibited low concentrations of toluene, 1,1, trichloroethane and trichloroethylene. Relatively higher concentrations of chromium (5.2 to 83.4 ppm), copper (3.1 to 49.7 ppm), lead (21 to 221 ppm), nickel (6.8 to 63.9 ppm), and zinc (8.22 to 291 ppm) were detected in samples from containers and spillage on the ground surface.
6. Constance Coulopoulos and John Coule are "owners or operators", as defined in Section 101(20) of CERCLA, 42 U.S.C. §9601(20), of the Facility.
7. Upon information and belief, the remaining Respondents are liable parties, pursuant to Section 107(a)(3) of CERCLA, 42 USC § 9607(a)(3).
8. Each Respondent is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21).
9. U.S. EPA has determined that each Respondent may be, pursuant to Section 107 of CERCLA, 42 U.S.C. §9607, liable for all costs incurred by the Government for the immediate removal action required by this Order, should the Respondents fail to properly perform the immediate removal action.

10. U.S. EPA has determined that the past, present and/or potential migration of hazardous substances at or from the Facility constitutes an actual and/or threatened "release" into the environment as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. §9601(22)

11. The above release presents or may present an imminent and substantial endangerment to public health or welfare or the environment, pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a).

12. The Western Scrap site meets the criteria for Removals set forth in 40 CFR Part 300.65(b)(2).

The criteria met are:

- Part 300.65(b)(2)(i) Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations, animals, or food chains;
  - (iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks or other bulk storage containers, that may pose a threat of release;
  - (iv) High levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface, that may migrate; and
  - (vi) Threat of fire or explosion.
13. Due to the unrestricted access to the site, nearby human and animal populations may be exposed to the contaminants. Exposure to people may cause toxic effects in different organ systems or an increased cancer risk. Animals exposed to the contaminants face similar potential for harm, as well as bioaccumulation of contaminants (i.e., PCBs) in their tissues and, consequently, in the food chain.
14. As the remaining drums and the partially filled tankers continue to rust and deteriorate, additional contaminants will continue to be released to the environment and potentially migrate through the soil to the groundwater or be dispersed through windblown dust.
15. The volatile organic contaminants observed at the site are highly mobile and can cause groundwater contamination. Semi-volatile organics and heavy metals are relatively less mobile, but will persist in the environment indefinitely and can be toxic at low concentrations.
16. Possibly the most immediate threat to public health, welfare or the environment is the potential for fire and explosion. A fire or explosion would not only pose a physical threat from the heat or flying debris, but might also create toxic gases that could be carried by the prevailing winds over populated areas.

ORDER

Based upon the foregoing Determination and Findings and pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606, it is hereby Ordered that the following actions be undertaken at the Facility:

1. Within five (5) calendar days after the effective date of this Administrative Order, Respondents shall submit a Work Plan for the actions ordered to U.S. EPA for approval. The Work Plan shall provide a concise description of the activities to be taken to comply with the requirements of this Administrative Order set forth in paragraphs 2 through 7 below. The Work Plan shall also contain a site health and safety plan, a sampling and analysis plan, and a schedule for the work to be performed.

2. Respondents shall stage and sample all drums and pails. The staging shall occur in a centralized area, and all drums and pails shall be opened prior to initiation of the sampling program. Any leaking drums shall be immediately overpacked at this time. The staging area shall be lined with Visqueen and bordered with 6 to 8-inch berms to prevent any migration, should a drum or pail rupture after staging.

A sample of each drum and pail shall be obtained for compatibility testing. These tests shall be conducted by a qualified laboratory and consist of cyanide and sulfide screening, pH, flash point, water reactivity, and PCB analysis.

This activity shall be completed within fourteen (14) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

3. Upon completion of compatibility tests and staging of the drums and pails, all compatible liquids from the drums and pails shall then be bulked in order to facilitate transportation (hereinafter referred to as "bulked liquids").

All noncompatible drum material (hereinafter referred to as "noncompatible liquids") shall be secured, if needed, by overpacking in 85-gallon overpack drums for off-site disposal. If any drums are found to contain PCB-contaminated material, they shall be set aside during the bulking and solidification stage. Any sludges encountered will be solidified on site using hydrated lime and, subsequently, sent off site for disposal at a U.S. EPA approved facility. Resulting empty drums, pails, and inert solids shall then be crushed, utilizing a front-end loader and backhoe and disposed of with the solidified solids. All visibly contaminated soil shall be excavated and bulked with the crushed drums and solidified material. The areas and depth of soil removal shall be approved by U.S. EPA. (Solidified sludge, crushed drums and pails, inert solids and removed soil shall hereinafter be referred to as "solidified material").

This activity shall be completed within twenty-eight (28) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

4. Respondents shall analyze, transport and dispose of all bulked liquids, noncompatible liquids and solidified material. All disposal shall be at a facility approved by U.S. EPA.

Samples of the solidified material, bulked material and the bulked liquids shall be collected and then analyzed for disposal parameters. A representative sample shall be collected from each of the waste streams for a complete analytical scan for disposal requirements. The parameters to be analyzed include the hazardous substance list as used by U.S. EPA's Contract Laboratory Program and EP Toxicity (metals only) for solidified material; percent ash, percent chlorine, heating value (BTU/lb), percent solids, percent water, and PCBs for bulked liquids; and the hazardous substance list, metals, cyanides and sulfides for noncompatible material.

During transporting, all materials leaving the site shall be properly shipped in trucks authorized to carry hazardous waste. These trucks shall contain Visqueen-lined beds, secure gates, and also be appropriately placarded. In addition, the waste shall also be properly manifested and transported to U.S. EPA approved hazardous waste facilities.

5. Respondents shall remove and incinerate all material from the tankers.

The contents of two of the abandoned tankers contain flammable materials. Prior to removal of any material from the tankers, the interior of each tanker shall be checked for explosive atmospheres. If the atmospheres are

above 20% of the lower explosive limit (LEL), the tankers shall be allowed to vent; if venting does not lower the LEL, an inert gas shall be injected into each tanker to reduce the explosive atmosphere.

If material in the tankers is too viscous to pump, a steam boiler with lines running into each tanker may be employed to soften the material to facilitate pumping. The liquids in each tanker shall then be removed with the aid of a vacuum truck. The sludge shall be removed through an opening to be cut in the bottom of each tanker. The tankers shall then be decontaminated. All materials used in the decontamination shall be properly contained, stored and disposed.

This activity shall be completed within forty-two (42) calendar days of U.S. EPA's approval or modification of the Work Plan required in paragraph 1.

6. Respondents shall submit a report summarizing the actions taken to comply with this Administrative Order. The report shall contain, among other things, identification of the site, a chronology and description of the actions performed, identification of problems encountered and how the problems were resolved, a listing of quantities and types of materials removed and their ultimate destination, a presentation of the analytical results of all sampling and analysis performed, and recommendations for any needed additional actions. This report shall be submitted within sixty-three (63) days of U.S. EPA's approval or modification of the Work Plan required in Paragraph 1.

7. All materials removed from the site shall be disposed of or treated in accordance with Sections 3002, 3003 and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. §6922, 6923 and 6924, the Toxic Substances Control Act, 15 U.S.C. §2601 et seq., and all other applicable Federal, State and local requirements.

8. The Work Plan required by paragraph 1 of this section shall be reviewed and approved by U.S. EPA and may be modified in part or in whole by the U.S. EPA. Respondents shall implement the Work Plan as approved or modified. Implementation of the Work Plan shall commence within 5 days of Respondents' receipt of U.S. EPA's approval or modifications. U.S. EPA's modifications shall not be inconsistent with the purposes of this Order, or with the National Contingency Plan, 40 CFR Part 300.

9. All instructions by authorized U.S. EPA representatives, consistent with the terms of this Administrative Order and with the National Contingency Plan, 40 CFR Part 300, shall be binding upon the Respondents.

10. Respondents shall provide access to the Facility to U.S. EPA employees, contractors, agents, and consultants, as well as to representatives of the Indiana Department of Environmental Management (IDEM) at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, take samples, and to conduct other activities which U.S. EPA determines to be necessary.

11. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Administrative Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. §9601, et seq., or any other applicable law.
12. The provisions of this Administrative Order shall be binding on employees, agents, successors, and assigns of the parties.
13. This Administrative Order shall be effective on the tenth (10th) calendar day following issuance unless a conference is requested, in which case this Administrative Order shall be effective on the fourth (4th) calendar day following the day of the conference unless modified by the Regional Administrator.
14. On or before the effective date of this Administrative Order, Respondents shall provide notice in writing to U.S. EPA stating their intention to comply with the terms hereof. In the event any Respondent fails to provide such notice, said Respondents shall be deemed not to have complied with the terms of this Administrative Order.
15. All notices and reports submitted under terms of this Administrative Order shall be sent by certified mail, return receipt requested, and addressed to the following:

Marc M. Radell  
Assistant Regional Counsel  
U.S. EPA, Region V 5CS-16  
230 S. Dearborn Street  
Chicago, Illinois 60604

#### ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on weekdays between the hours of 8:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, 16th Floor, United States Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604. An index of the Administrative Record is attached hereto as Attachment 1. Please contact Mr. Radell, Assistant Regional Counsel, at (312) 886-7948, for review of the Administrative Record.

#### OPPORTUNITY TO CONFER

With respect to the actions required above, you may within seven (7) calendar days after issuance of this Administrative Order request a conference with U.S. EPA to discuss this Administrative Order and its applicability to you.

Any such conference shall be held within three (3) calendar days from the date of request. At any conference held pursuant to your request, you may appear in person and by an attorney or other representative. If you desire such a conference, please contact Marc M. Radell, Assistant Regional Counsel, at (312) 886-7948.

Any comments which you may have regarding this Administrative Order, its applicability to you, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which you are ordered to take, or any other relevant and material issue must be reduced to writing and submitted to U.S. EPA within three (3) calendar days following the conference, or if no conference is requested, within ten (10) calendar days following the issuance of this Administrative Order. Any such writing should be directed to Marc M. Radell, at the address cited above.

You are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. 9670(a), for the costs of those Government actions.

#### PENALTIES FOR NONCOMPLIANCE

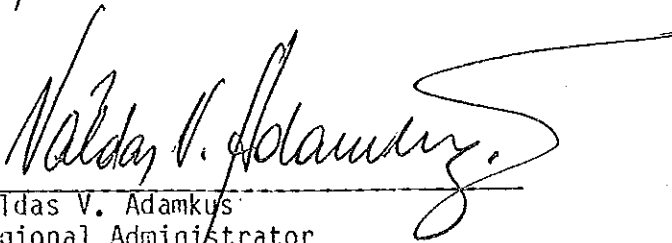
Respondents are advised, pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9006, that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondent to a civil penalty of not more than \$5,000 per for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Administrative Order, or any portion thereof, without sufficient cause may also subject Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the Government as a result of Respondent's failure to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. 9607(c)(3).

#### COOPERATION AMONG RESPONDENTS

In order to facilitate communication and cooperation among Respondents, a list of the Respondents and their addresses and telephone numbers (if known) are included in the Order as Attachment 2.

Witness my hand in the City  
of Chicago, State of Illinois,  
on this 21<sup>st</sup> day of  
July, 1986.

by:

  
Valdas V. Adamkus  
Regional Administrator  
United States Environmental  
Protection Agency  
Region V

ATTACHMENT 1

ADMINISTRATIVE RECORD

Western Scrap Drum Site, Gary, Indiana  
Administrative Order Pursuant to CERCLA § 106

<u>Item</u>	<u>Description</u>
1.	Emergency Action Plan, May 1986
2.	Removal Request Action Memorandum, May 1986
3.	Site Inspection Report, April 1986
4.	Clayton Sample Analyses Results, October 1985
5.	Conversation Record with John Coule, May 30, 1986

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF: )  
WESTERN SCRAP COMPANY )  
GARY, INDIANA )  
)  
)  
)  
)  
)  
)

DOCKET NO. V-W-86-C-012

AMENDMENT TO  
ADMINISTRATIVE ORDER  
PURSUANT TO SECTION 106  
OF THE COMPREHENSIVE  
ENVIRONMENTAL RESPONSE,  
COMPENSATION AND LIABILITY  
ACT OF 1980

Based upon affidavits and/or other documents submitted by authorized representatives of the parties named below, the Administrative Order referenced above, issued on June 17, 1986, is hereby withdrawn as regards these parties:

Coating and Chemical Corporation  
Baron-Blakeslee, Inc.  
Du Pont Corp.  
Dow Chemical Company  
Stuarts Industrial Coatings, Inc.  
Prime Leather Finishing Company  
General Electric Corporation.

Except as amended herein, the Administrative Order referenced above remains in full force and effect according to its terms.

Witness my hand in the City  
of Chicago, State of Illinois,  
on this \_\_\_\_\_ day of  
\_\_\_\_\_, 1986.

by:

\_\_\_\_\_  
Valdas V. Adamkus  
Regional Administrator  
United States Environmental  
Protection Agency  
Region V

STAFF ATTORNEY

SECTION CHIEF

ADMINISTRATIVE

DEPUTY REG. COUNSEL

REGIONAL COUNSEL

OTHER

OTHER

*M. Radell* 6/30/86  
*R. J. F.* 6/30/86  
*M. J. F.* 6/30/86  
*M. J. F.* 6/30/86  
*M. J. F.* 6/30/86  
\_\_\_\_\_  
\_\_\_\_\_

IN THE MATTER OF :  
WESTERN SCRAP COMPANY  
GARY, INDIANA

The above-referenced Administrative Order Pursuant to Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9606, amended July 21, 1986, is hereby further amended to remove GPI Industries, Inc., of St. Charles, Illinois, from the list of Respondents therein. This Order is based upon information currently available to U.S. EPA which indicates that GPI Industries, Inc., has not generated the printing ink wastes identified at the site.

Witness my hand in the City  
of Chicago, State of Illinois  
on this \_\_\_\_\_ day of  
August, 1986

STAFF ATTORNEY M. Padell 8/21/86  
SECTION CHIEF ll  
BRANCH CHIEF Mut 8/27/86  
DEPUTY REG. COUNSEL Don 8/28/86  
REGIONAL COUNSEL \_\_\_\_\_  
OTHER \_\_\_\_\_  
OTHER \_\_\_\_\_

/s/ original signed by  
Valdas V. Adamkus

Valdas V. Adamkus  
Regional Administrator  
United States Environmental  
Protection Agency  
Region V

Valdas V. Adamkus  
Regional Administrator  
United States Environmental  
Protection Agency  
Region V



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

JUN 30 1986

REPLY TO THE ATTENTION OF:

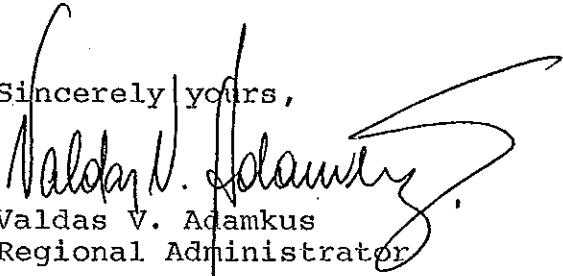
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: Western Scrap Company  
Gary, Indiana

Dear Sir or Madam,

Enclosed please find an Amendment to Administrative Order Pursuant to Section 106 of the Comprehensive Environmental Response, Liability and Compensation Act of 1980 which amends Administrative Order Docket No. V-W-86-C-012, issued on June 17, 1986, to exclude certain parties from the list of respondents. If you have any questions or comments concerning this matter, please contact Marc M. Radell, Assistant Regional Counsel, at 312/886-7948.

Sincerely yours,

  
Valdas V. Adamkus  
Regional Administrator

cc: Regional Hearing Clerk

Enclosure

IN THE MATTER OF :  
WESTERN SCRAP COMPANY  
GARY, INDIANA

The above-referenced Administrative Order Pursuant to Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9606, amended July 21, 1986, is hereby further amended to remove GPI Industries, Inc., of St. Charles, Illinois, from the list of Respondents therein. This Order is based upon information currently available to U.S. EPA which indicates that GPI Industries, Inc., has not generated the printing ink wastes identified at the site.

Witness my hand in the City  
of Chicago, State of Illinois  
on this 12th day of  
September, 1986

Valdas V. Adamkus  
Regional Administrator  
United States Environmental  
Protection Agency  
Region V

21 JUL 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

G. Jerry Pims  
Registered Agent  
GPI Industries  
1840 Production Drive  
St. Charles, Illinois 60174

Dear Mr. Pims:

Enclosed is an Order that the United States Environmental Protection Agency (U.S. EPA) is issuing to GPI Industries, pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) 42 U.S.C. 9606 (a). The U.S. EPA has identified hazardous substances at the site that may present an imminent and substantial endangerment to the public health, welfare or environment. The Order requires that the Respondents undertake actions to remove the hazardous substances. You are directed to the enclosed Order for specific actions required, and the time frame within which such actions must be taken.

If you have any comments or questions about this matter, please contact Marc Radell, Assistant Regional Counsel, at (312) 886-7948; or David Favero, On-Scene Coordinator, at (312) 886-4749.

Sincerely yours,

/s/ original signed by  
Valdas V. Adamkus

Valdas V. Adamkus  
Regional Administrator

Enclosure

bcc: William Simes	5HR-11
Marc Radell	5CS-16
David Favero	5HE-12
Jacqueline Strecker	IDEM